IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O. O. C. J.

WRIT PETITION NO.1538 OF 2007

Sushil Kumar Ratanlalji Khowal ..Petitioner.
Vs.
Union of India and others ..Respondents.

....

Mr. Mahesh Jethmalani with Mr. Dinesh Tiwari for the Petitioner.
Mr. A.C. Singh with Mr. D.A. Dubey for Respondents 1 and 2.
Mr. Janak Dwarkadas, Senior Advocate for Respondent NO.3.

....

CORAM: **SWATANTER KUMAR, C.J. &**
DR. D.Y. CHANDRACHUD, J.

23rd August, 2007.

P.C. :

Counsel appearing for Respondent Nos. 1 and 2 submits that the Department has decided to withdraw the order imposing penalty upon the Petitioner. However, they reserve their right to proceed in accordance with law and pass appropriate order on the basis of the show cause notice already issued to the Petitioner after hearing the Petitioner as may be permissible to them in accordance with law. In view of the above statement made on behalf of Respondent Nos. 1 and 2, it is obvious that the order passed by Respondent No.3 does not stand. In view of the statement made on behalf of Respondent Nos. 1 and 2 and the

circumstances above noticed, the Petition becomes infructuous and is accordingly disposed of. The parties will abide by the directions contained in the order.

There shall be no order as to costs.

CHIEF JUSTICE

DR. D.Y. CHANDRACHUD, J.